(63)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3838 of 2007

PETITIONER : Tej Ram Verma S/o Shri Kripa Ram Verma, aged about 27 years, resident of Village Padakidih, Block and Tahsil Simga, District Raipur (C.G.)

VERSUS

RESPONDENTS :
1. State of Chhattisgarh Through the Secretary Panchayat and Social Welfare Department D.K.S. Bhawan Raipur (C.G.)
2. The Additional Collector, Badoda Bazar, District Raipur (C.G.)
3. The Sub Divisional Officer @ Bhatapara, District Raipur (C.G.)
4. Gram Panchayat Padkidih, Block and Tahsil Simga, District Raipur (C.G.) through its Sarpanch Gram Panchayat Padkidih, Block and Tahsil Simga District Raipur (C.G.)
5. Secretary, Gram Panchayat Padkidih, Block and Tahsil Simga, District Raipur, (C.G.)
6. Sewa Ram Dhruv S/o Anup Singh Dhruv, resident of Village Padkidih, Block and Tahsil Simga, District Raipur (C.G.)
7. Chief Executive Officer, Janpat Panchayat Simga District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Smt. Renu Kochar, Advocate for the petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the State/ respondent No. 1 to 3.

ORDER
(Passed on 4th day of July, 2007)

1. The petitioner is aggrieved by appointment of respondent No. 6 as Panchayat Karmi on the basis of resolution dated 16.01.2007 passed by the Gram Panchayat Padkidih, Block and Tehsil Simga. The main contention of the petitioner was that there is several irregularities in the

resolution. Thus, the appointment order passed in favour of the respondent No. 6 is bad.

2. Be that as it may. Rule 3 of Madhya Pradesh/Chhattisgarh Panchayats (Appeal & Revision) Rules, 1995 provides for appeal to the superior authorities. The petitioner, without taking recourse to effective and alternative remedy has approached this Court under Article 226 of the Constitution directly.

3. It is trite that this Court can exercise discretion even in the cases where alternative statutory remedy is available, but only in exceptional circumstances. In the facts of the present case, it does not warrant interference by this Court under Article 226 of the Constitution. Thus, this petition is dismissed as not maintainable.

Sd/-
Satish K. Agnihotri
Judge

Amit